

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.17215 of 1999

D.Murugesan

.. Petitioner.

Versus

1.The Deputy General Manager (North West)
Chennai Telephones,
52, E.V.K.Sampath Salai, Chennai-7.

2.The Sub-Divisional Engineer,
Madhavaram Telephone Exchange,
7, Raja Street, Maduma Nagar,
Perambur, Chennai-11.

.. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents, their men, agents, servants, subordinates, etc., from in any way planting any telephone poles in the petitioner's property at Survey NO.441/2B to an extent of 32 cents, in Madhavaram Village.

For petitioner : Mr.D.Rajendran

For respondents : Mr.K.Ravindranath (ACGSC)

O R D E R

Heard Mr.D.Rajendran, the learned counsel appearing for the petitioner and Mr.K.Ravindranath, the learned Additional Central Government Standing Counsel appearing for the respondents.

2. It is stated by the petitioner that he is an agriculturist owning 32 cents in S.No.441/2B in Madhavaram Village. The said property had been purchased by the petitioner's father, under a registered sale deed, dated 27.10.1974. Thereafter, the patta relating to the said land had also been transferred in the name of the petitioner. It is further stated that one Seenii Duraibabu, who claims to have purchased a plot of land on the North West side of the petitioner's lands, had obtained electricity service connection from the Tamil Nadu Electricity Board, by planting the electrical poles in the petitioner's land. The petitioner had filed a writ petition before this Court in W.P.No.9560 of 1999, praying for a writ of mandamus, directing the respondents therein to remove the electrical polls, planted in the petitioner's land. While so, the respondents have been attempting to plant the telephone polls in the petitioner's

land to grant a telephone connection to Seeni Duraibabu, in spite of a notice, dated 7.9.1999, having been issued to the respondents, requesting them to desist from planting telephone polls in the petitioner's land. In such circumstances, the petitioner has come before this Court, invoking Article 226 of the Constitution of India.

3. At this stage of hearing of the writ petition, Mr.K.Ravindranath, the learned counsel appearing for the respondents had submitted that the petitioner had not produced any document to prove that the land in question belongs to him. According to the respondents, the telephone poll was sought to be planted only in the common passage way, which does not belong to the petitioner exclusively. It has been further stated that the above writ petition has become infructuous, in view of the fact that the respondents have made provision for new land line telephone connections by way of laying underground cable and not through over head telephone lines. Therefore, the necessity of the telephone poll in the land in question, does not arise.

4. In view of the submissions made by the learned counsel appearing on behalf of the parties concerned, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief as prayed for in the writ petition. There is no merit in the petition and hence, the same is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

csh

To

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